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Children's Residential Care Update

SPRING 2010



This is our first quarter *Children's Residential Care Update* for 2010. We are now in the nineteenth year of our efforts to keep the children's residential care community informed of licensing programs and services. Your support in sharing this *Update* with colleagues in your organization and others interested in children's issues is appreciated.

Our *Updates* are available online at the California Department of Social Services (CDSS) Community Care Licensing Division (CCLD) website. They can be viewed or obtained at <http://cclld.ca.gov/PG457.htm>.

★ UPDATED FOSTER FAMILY HOMES REGULATIONS APPROVED ★

The Office of Administrative Law (OAL) has approved the revised Foster Family Homes (FFH) regulations to become effective on April 3, 2010. These regulations are the result of a collaborative effort between the Children's Residential Regulations Review Workgroup (CRRRW) in consultation with CDSS to further normalize the lives of children in foster care.

CDSS is pleased that many comments and concerns of the CRRRW and key aspects of recent legislation will now be addressed in the California Code of Regulations (CCR) Division 6, Chapter 9.5 governing Foster Family Homes. A few highlights of the updated regulations affecting the care and supervision of children include:

- Children are permitted to have age and developmentally appropriate access to cash resources, personal hygiene products, kitchen knives, appliances, disinfectants, and cleaning solutions [(FFH Regulations Sections 89226(c), 89372(a)(2)(B), and 89387.2(b)(1) through (3)].

- FFH capacity shall be a total of six children or, to accommodate sibling groups, a total of eight children. Capacity will now include adoptive, biological, and guardianship children in the home. Waivers or exceptions are permitted for caregivers who may be able to care for more children [(FFH Regulations Section 89228(a)(1) through (3)].
- Caregivers are required to provide children with transportation to medical appointments, school, and activities unless otherwise arranged [(FFH Regulations Section 89374(c)(1) through (3)].
- Caregivers must use the Reasonable and Prudent Parent Standard as directed in the regulations when arranging other care for children or allowing children to participate in activities in or outside the home [(FFH Regulations Sections 89378(a)(1)(A), (a)(1)(A)3.a., (a)(1)(B), (a)(1)(D), (a)(1)(F), and (b); 89379(b); 89387(d)(1); and 89387.2(b)(1) through (3)].
- Caregivers are permitted to arrange for occasional short-term babysitters, alternative caregivers, respite care, leaving children alone without adult supervision, licensed child care, and participation in activities [(FFH Regulations Section 89378(a)(1)(A) through (F)].
- A Pre-Placement Questionnaire must be completed if caregivers don't receive critical information and required documents when children are placed with them [(FFH Regulations Section 89468(b)].
- Caregivers are permitted to provide emergency medical assistance, injections, and medications under specified conditions (FFH Regulations Section 89475.1).

CDSS extends a huge thank you to the diverse CRRRW membership which included children's advocates, county child welfare staff, current and former foster youth, foster parents, foster parent associations, and CDSS representatives, for helping make these updated regulations a reality. Your dedication, passion, and knowledge on behalf of children in foster care are appreciated beyond measure.

The updated FFH regulations are posted on the Office of Regulations Development (ORD) website and appear under "Regulation Changes in Process/Completed Regulations", in "Post-Hearing Regulations" at <http://www.dss.cahwnet.gov/ord/PG1914.htm>.



SMOKING REGULATIONS NOW EFFECTIVE

CDSS has also received OAL approval for Smoking in Vehicles and Children's Residential Facilities regulations to become part of the CCR Title 22. The smoking regulations are effective as of March 6, 2010 and prohibit:

- Smoking in a vehicle when a child is present [(CCR Title 22 Sections 83074(c), 84074(b), 84274(f), 86074(a)(2), 86574(d), and 89374(a)(1)); and
- Smoking in or on the grounds of the facility or home [(CCR Title 22 Sections 83087(d), 84087(c), and 86087(f)).

The regulations are posted on the ORD website and appear under "Regulation Changes in Process/Completed Regulations", in "Post-Hearing Regulations" at <http://www.cdss.ca.gov/ord/PG1979.htm>

STATE FIRE MARSHAL CLARIFICATION FOR FOSTER FAMILY HOMES

The State Fire Marshal (SFM) recently released an Information Bulletin (IB) to clarify that FFH that care for six or fewer children must receive a fire clearance if they provide care and supervision to children who are non-ambulatory. This IB has been released to fire jurisdictions statewide and is in effect as of February 3, 2010.

FFH must request and receive a fire clearance if they intend to care for children who are non-ambulatory or intend to continue caring for children who become disabled and non-ambulatory after placement in the home [(CCR Title 22 Section [89420\(a\)](#)]. As directed by the SFM, fire jurisdictions that are contacted to provide FFH with a non-ambulatory fire clearance are obligated to conduct an inspection and determine whether to grant a non-ambulatory fire clearance as specified in applicable law and regulation.

The IB is available on the SFM website at <http://osfm.fire.ca.gov/informationbulletin/informationbulletin.php#2010>.



CRIMINAL RECORD CLEARANCE ALERT

A recent federal audit found that a person who was subject to a criminal record background check was present in a community care facility without a criminal record clearance or exemption. As a result, we would like to remind all licensees that they must comply with criminal record background check requirements. These requirements are as follows:

- All persons subject to a criminal record background check must obtain a California Department of Justice criminal record clearance or exemption before employment or residence in a community care facility, and
- All persons subject to a criminal record background check must submit fingerprints for the purpose of a Federal Bureau of Investigations (FBI) criminal record check before employment or residence in a community care facility.

If the FBI rejects the prints for poor quality, the subject person must be reprinted within the time frame specified in the Reject Notice sent to the person and to the licensee. If the person complies with the instructions and timeframes in the Reject Notice, there is no charge for reprinting.

All licensees who allow persons to work or reside in their facility who have not obtained a criminal record clearance or an exemption, or who do not require a person with rejected FBI prints to be reprinted, will be cited and assessed an immediate civil penalty as specified in [Health and Safety Code section 1522\(c\)](#).

The applicable criminal record clearance regulations for Children's Residential facilities may be found in Health and the California Code of Regulations, Title 22 Sections [80019\(c\) and \(d\)\(2\)](#), [86519\(c\) and \(d\)\(3\)](#), and [89219\(c\), \(d\), and \(e\)\(1\)](#).

REGULATIONS DOCKET

California Student Safety and Violence Prevention Act Training and Group Home (GH) Reasonable and Prudent Parent Standard (RPPS) Regulations: CDSS expects that a public hearing on the proposed California Student Safety and Violence Prevention Act Training and GH RPPS regulations will be scheduled this Spring.

These proposed regulations would implement two pieces of legislation that include: Assembly Bill (AB) 2096 (Chapter 483, Statutes of 2008), which extended the requirement to use the RPPS to specified GH staff in permitting foster children to participate in age-appropriate extracurricular, enrichment, and social activities; and AB 3015 (Chapter 557, Statutes of 2008), which requires specified caregivers and staff in Children's Residential facilities and homes to receive training in the provisions of the California Student Safety and Violence Prevention Act of 2000.

Public hearing information for the proposed regulations will be posted on the ORD website shortly and appear under "Regulation Changes in Process/Completed Regulations", in "Public Hearing Information" at <http://www.dss.cahwnet.gov/ord/PG615.htm>.



CAREER DEVELOPMENT RESOURCES FOR FOSTER YOUTH

The Foster Youth Career Development and Employment Task Force recently sponsored Youth Transition Action Team Foster Youth Regional Forums to increase foster youth awareness of and access to career development resources.

The *Guide to Career Development Opportunities in California's High Schools* was shared as a resource for youth in foster care and the significant adults who support them. It provides information on career technical education, Career Pathways programs, Regional Occupational Centers and Programs, Career Academies, WorkAbility, Transition Partnership Program, and alternative or special interest school programs. It also includes a Career Development Continuum with Career Planning and Decision Making Checklist.

You are encouraged to review this guide with youth in your care. This guide is available on the New Ways to Work website at [http://www.newwaystowork.org/documents/ytatdocuments/CareerDevGuidebookJUNE2009\(2\).pdf](http://www.newwaystowork.org/documents/ytatdocuments/CareerDevGuidebookJUNE2009(2).pdf).

DISASTER PREPAREDNESS

April is Earthquake Preparedness Month and an appropriate time to inform you of a Federal Emergency Management Agency (FEMA) disaster preparedness kit that may assist in developing an emergency plan to prepare for an earthquake or any other disaster. This kit includes information on hazards that may affect you and the children in your care such as: emergency planning, disaster supplies, community warning systems and evacuation routes, what to do for specific hazards, and practicing and maintaining an emergency plan. The kit, "Basic Preparedness", is available on the FEMA website at http://www.fema.gov/pdf/areyouready/basic_preparedness.pdf.

FLU MATERIALS NOW AVAILABLE IN SPANISH

At the request of providers, the handouts [Tips for Licensees on H1N1 \(Swine\) and Seasonal Influenza](#) and the [List of Standard Precautions](#) are now available in Spanish on the CCLD website at www.cclld.ca.gov.

As a reminder, for information on the availability of flu vaccinations in your area, please check the California Department of Public Health's website at www.cdph.ca.gov.

SPRING WEATHER HEALTH TIPS

With Spring may come the bloom of allergens that go dormant during the colder winter months when there is not as much pollen in the air. If a child has a known allergy, contact with the allergen may be avoided by remaining in an air-conditioned environment during peak hay fever season and avoiding certain foods. Caregivers can eliminate dust mites and animal dander from a child's environment. Other strategies for allergies include taking over-the-counter or prescription medication to counteract reactions or minimize symptoms and being immunized with allergy injection therapy. Any medication or immunization should only be taken if appropriate and with the approval of a physician. For more information, please visit the Federal Centers for Disease Control website at <http://www.cdc.gov>.

RESIDENTIAL CARE STATISTICS

All of the statistics for state and county licensed Children's Residential Care facilities are available online. When you visit the CCLD home page at <http://www.cclld.ca.gov>, please click on the "Facility Facts" tab at the top of the page. Click on the "Licensing Statistics" link on the center of the page that appears. Then, click on the desired "State Licensed Facilities by Geographical Area" or "County Licensed Facilities" link on the center of the page. Directories can also be obtained from your local licensing office.

SUMMARY

If you have questions about this *Update* or proposed regulations, or suggestions for future topics, please contact Gary Palmer, Chief of the Technical Assistance and Policy Branch at (916) 324-4312. Please visit our website at www.cclld.ca.gov to obtain *Updates*, office locations, provider letters, regulations, or to learn more about licensing services. Information about all Children's Residential facilities and homes, including Out-of-State Group Homes and the Statewide County Foster Family Home Program, is available on the CCLD website at <http://cclld.ca.gov/PG499.htm>.

Sincerely,

Original signed by Jeffrey Hiratsuka

JEFFREY HIRATSUKA
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